



PATENT
Attorney Docket **056365-5049**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Gordon Ng *et al.***

Application No. **08/670,119**

Filed: **June 25, 1996**

For: **Receptor and Transporter Antagonists**

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Group Art Unit: **1647**

Examiner: **Rachel Kapust**

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

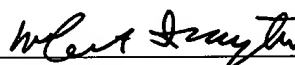
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated May 6, 2004 of the Examiner finally rejecting claims 67 to 78 and 80 to 86.

The Commissioner is hereby authorized to charge **\$170.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee at the small entity rate as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **November 5, 2004**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


Robert Smyth
Registration No. 50,801

11/08/2004 EABUBAK1 00000025 500310 08670119

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TRANSMITTAL FORM

1. Further to the Response and Amendment Under 37 C.F.R. 1.116 filed on November 3, 2004 in response to the final Office Action dated May 6, 2004, transmitted herewith is a Notice of Appeal.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an extension of time is required as petition for a three-month extension of time from August 6, 2004 to November 6, 2004, was filed on November 3, 2004. However, if Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a petition therefor.
4. Fee Calculation (37 C.F.R. 1.16):


CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	35	minus	59	0	\$18 each=	0.00
Independent Claims	3	minus	3	0	\$88 each=	0.00
First presentation of Multiple dependent claim					\$300.00	0.00
SUB-TOTAL =						0.00
Reduction by ½ for filing by a small entity						
TOTAL FEE =						0.00

5. Fee Payment: The Commission is hereby authorized to charge **\$170.00** to Deposit Account 50-0310 for payment of the Notice of Appeal fee at the small entity rate.
6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This

paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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